

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

) MDL NO. 1456
) Civil Action No. 01-12257-PBS
)

THIS DOCUMENT RELATES TO THE
AMENDED MASTER CONSOLIDATED
CLASS ACTION

) Hon. Patti B. Saris
) Chief Mag. Judge Marianne B. Bowler
)
)

MOTION TO FILE UNDER SEAL

The Track 1 Defendants, by their attorneys, respectfully move this Court for leave to file under seal "The Track 1 Defendants' Memorandum Of Law In Opposition To Plaintiffs' Motions (1) To Strike The Sur-Reply Declaration Of Steven J. Young And (2) For Sanctions" ("Defendants' Opposition") for the following reasons.

1. Defendants' Opposition responds to plaintiffs' allegations concerning an analysis of certain third-party contracts performed by Defendants' expert Steven J. Young.

2. The third-party contracts were all produced by third party health plans in this litigation pursuant to subpoena and were designed as HIGHLY CONFIDENTIAL pursuant to the Protective Order entered by this Court dated December 13, 2002.

3. Defendants' Opposition references and discusses these contracts and their terms. It also names the third parties that produced them. To adequately protect the interests of those third parties pursuant to the Protective Order while providing the Court with a complete document for review, the Track 1 Defendants have filed this brief under seal. Defendants believe that it would be appropriate under the Protective Order to file a redacted version of Defendants' Opposition in the public record, omitting only the names of the third parties.

WHEREFORE the Track 1 Defendants respectfully request that this Court grant them leave to file the above referenced Defendants' Opposition under seal, and all other relief that this Court deems just and proper.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Erik Haas / LP", is written over a horizontal line.

William F. Cavanaugh, Jr. (admitted pro hac vice)
Andrew D. Schau (admitted pro hac vice)
Erik Haas (admitted pro hac vice)
Adeel A. Mangi (admitted pro hac vice)
PATTERSON, BELKNAP, WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036-6710
(212) 336-2000

*Attorneys for the Johnson &
Johnson Defendants on behalf of all
Track 1 Defendants to the Amended Master
Consolidated Class Action Complaint*

Dated: April 7, 2005

CERTIFICATE OF SERVICE

I certify that on April 7, 2005, a true and correct copy of the forgoing Motion to File Under Seal the Track 1 Defendants' Memorandum of Law in Opposition to Plaintiffs' Motions to Strike the Sur-Reply Declaration of Steven J. Young and for Sanctions was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

Erik Haagfelt

Dated: April 7, 2005